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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,322	01/22/2001	Dean James Tricarico	257/236	9368

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EXAMINER	
YUN, EUGENE	

ART UNIT	PAPER NUMBER
2682	8

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,322	TRICARICO, DEAN JAMES	
	Examiner	Art Unit	
	Eugene Yun	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-18 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 01 May 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-13, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Janky (US 5,629,693).

Referring to Claim 1, Janky teaches a mobile device, comprising:

a positioner (see LDR in ABSTRACT) configured to determine geographic position information related to the device; and

a transceiver (fig. 4) assigned a unique mobile number by a wireless communication system in which the device operates, and which is communicatively coupled to the positioner, the transceiver configured to receive position requests directed to the mobile number and to transmit the position information in response to the position requests (see 2nd half of ABSTRACT).

Referring to Claim 11, Janky teaches a wireless communication system comprising at least one network node and a plurality of wireless devices, the wireless communication system configured to associate a mobile number with each device, each device comprising:

a positioner (see LDR in ABSTRACT) configured to determine position information related to the device; and

a transceiver (fig. 4) communicatively coupled to the positioner, the transceiver configured to receive position requests directed to the respective mobile number assigned to the particular device and to transmit the position information in response to the position requests (see 2nd half of ABSTRACT).

Referring to Claim 16, Janky teaches a method of locating a mobile device in a wireless communication network, comprising:

associating an identification number with the device (see 129 in fig. 5B);

placing a call to the identification number, when the location of the device is needed (see lines 13-15 of ABSTRACT);

receiving position information from the device in response to the call (see lines 17-20 of ABSTRACT); and

establishing the location of the device based on the position information (see rest of ABSTRACT).

Referring to Claim 2, Janky also teaches a GPS receiver (see col. 11, lines 26-28).

Referring to Claim 3, Janky also teaches the transceiver configured to continuously transmit a tone in response to a received position request if the positioner in unable to determine the position information (see col. 3, lines 52-57).

Referring to Claim 4, Janky also teaches the positioner and transceiver included on a removable card installed in the device (see figs. 1-3 where the device can be removed from the vehicle).

Referring to Claim 5, Janky also teaches a wireless transceiver (fig. 4).

Referring to Claim 7, Janky also teaches a first power source and a second power source, wherein the first power source is configured to supply power to the device (see col. 4, lines 39-41), and wherein the second power source is configured to continuously supply power to the positioner and to the transceiver (see col. 7, lines 3-5).

Referring to Claim 8, Janky also teaches the first power source configured to supply power to the device, including the positioner and transceiver (see col. 4, lines 39-41), and wherein the second power source is configured to supply power to the positioner and the transceiver whenever the first power source is unavailable (see col. 7, lines 3-5).

Referring to Claim 9, Janky also teaches a positioner IC and a transceiver IC (fig. 4).

Referring to Claim 10, Janky also teaches the positioner and transceiver located in a location IC (fig. 4).

Referring to Claim 12, Janky also teaches the transceiver within a particular device activated when a call is placed through the wireless communication system to the mobile number associated with the device, and wherein the location transceiver is configured to obtain the position information from the positioner (see ABSTRACT), and to continuously transmit the position information to the network node, as soon as the location transceiver is activated (see col. 3, lines 52-57)

Referring to Claim 13, Janky also teaches the network node configured to route the position information to a location information center (see ABSTRACT).

Referring to Claim 17, Janky also teaches receiving the call to the identification number associated with the device, obtaining the respective position information from a positioner in the device and transmitting the position information (see ABSTRACT).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky in view of Pace, II (US 5,712,899).

Referring to Claim 6, Janky does not teach the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA. Pace teaches the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA (see col. 5, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said device of Janky in order to ensure better signal reception without error.

Referring to Claim 14, Janky does not teach the location control center configured to generate a map, and to locate a respective device on the map, based on received position information from the device. Pace teaches the location control center

configured to generate a map, and to locate a respective device on the map, based on received position information from the device (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said device of Janky in order to more quickly determine the location of a mobile device.

Referring to Claim 15, Janky also teaches the transceiver configured to continuously transmit a tone in response to a received position request if the positioner in unable to determine the position information (see col. 3, lines 52-57).

Referring to Claim 18, Janky teaches routing the position information to a location information center (see ABSTRACT). Janky does not teach generating a map of the area proximate the location of the device; and locating the device within the map. Pace teaches generating a map of the area proximate the location of the device; and locating the device within the map (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said device of Janky in order to more quickly determine the location of a mobile device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2682

EY

Lee Nguyen
Primary Examiner